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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: POOLE, ANTONY G.

Application No.: 10/539404

Confirmation No.: 4593

Filed: September 3, 2003

Title: TREATMENT OF PIPES

RESPONSE TO RESTRICTION REQUIREMENT—ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

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November 5, 2008
Date

/Theresa T. Collier/
Signed by: Theresa T. Collier

Dear Sir:

This is in response to the Examiner's office action dated October 6, 2008.

Interview Summary

Applicant thanks Examiner Hook for the constructive telephone interview of October 29, 2008. During the interview, Examiner Hook explained the Election/Restriction of October 6, 2008. Applicant's representative clarified that the lining material and the filling material were separate elements of the same invention of claim 1.

Election of Species

Claims 1, 3-10, 12-15, 18-33, 35-39, 41-47 and 49 are pending. As best understood by the Applicant, the following species have been identified under PCT Rule 13.1 as follows:

Species (1) - a method of pipe repair; and

Species (2) - a method of assembling a pipe and lining.

For this election, Applicant provisionally elects Species (1), a method of pipe repair, without traverse.

The following additional species were identified -- the election of one of the types of coupling used such as a spigot, welded or bolted. Applicant respectfully submits that these types of couplings are related to Species (2) above. As Applicant elected Species (1) above, Applicant submits that an election related to a particular type of coupling is moot.

Further, the following species were also identified -- an election of one type of lining material used such as polyurea or a two part resin system. Applicant respectfully traverses this aspect of the election/restriction. As discussed in the telephone interview, Species (1), corresponding to claim 1, recites both a "lining material" and a "filling material" as separate elements of the same invention. This distinction is further described in the specification (see PCT Appl. No. PCT/GB2003/003833) at page 12, lines 15 et seq. (describing a polyurea as a preferred lining material) and at page 15, lines 27 et seq. (describing a two-part resin as a preferred filling material). Accordingly, Applicant respectfully submits that the elected species may include a polyurea as a lining material and/or a two-part resin as a filling material. Even though this election is traversed, Applicant provisionally elects a species where polyurea is the lining material. The Examiner is invited to call Applicant's representative if a further election is required.

The Examiner further directed Applicant to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable.

Accordingly, Applicant provisionally elects Species (1) -- a method of treating a pipe -- wherein Applicant respectfully submits that at least claims 1, 3-6, 15-22, 25-39 and are readable thereon. Applicant also respectfully submits that apparatus claims 41-49 are generic to the elected species.

Conclusion

Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

November 5, 2008
Date

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